

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FELICITO EGUILOS AND FELICIANA
EGUILOS,

Plaintiffs,

vs.

WELLS FARGO, a business form unknown,
GOLDEN WEST SAVINGS; DOES I
through X, inclusive, and ROE
CORPORATIONS, I through V, inclusive,

Defendants.

Case No: C 11-2019 SBA

**ORDER TO SHOW CAUSE RE
DISMISSAL**

Plaintiffs Felicito Eguilos and Feliciana Eguilos filed the instant pro se action against Wells Fargo, among others, seeking to challenge the foreclosure of their home. After the action was reassigned to the undersigned, the Court issued a Case Management Scheduling Order for Reassigned Cases (“Schedule Order”) setting the matter for an initial Case Management Conference (“CMC”) for October 20, 2011. Dkt. 9. The CMC date was subsequently continued to December 8, 2011. Dkt. 10.

Attached to the Scheduling Order is a copy of the Court’s Standing Orders, which instruct that a Joint CMC Statement is to be filed at least ten (10) days in advance of the CMC. Dkt. 9 at 3. To date, however, no Joint CMC Statement has been filed in anticipation of the CMC scheduled for December 8, 2011. The failure to comply with the Federal Rules of Civil Procedure, the Local Rules of the Court or any Court Order is grounds for dismissal of this action under Federal Rule of Civil Procedure 41(b). See Ferdick v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). In addition, no appearances by Defendants have been entered in this action, and there is nothing in the record to indicate

1 that they have been served with the complaint within the 120 day time-frame specified by
2 Federal Rule of Civil Procedure 4(m). Accordingly,


3 IT IS HEREBY ORDERED THAT:

4 1. The Case Management Conference previously scheduled for December 8,
5 2011, is VACATED.

6 2. Plaintiff shall show cause why the instant action should not be dismissed
7 under Rule 41(b) for failure to comply with a Court order and Rule 4(m) for failure to serve
8 the complaint within 120 days of the date the complaint was filed. Within fourteen (14)
9 days of the date this order is filed, Plaintiff shall file a Certificate to explain why the case
10 should or should not be dismissed. The Certificate shall set forth the nature of the cause, its
11 present status, the reason it has not been brought to trial or otherwise terminated, any basis
12 for opposing dismissal and its expected course if not dismissed. FAILURE TO FULLY
13 COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUNDS TO
14 DISMISS THE ACTION, WITHOUT FURTHER NOTICE.

15 IT IS SO ORDERED.

16 Dated: December 8, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 EGUILOS et al,

6 Plaintiff,

7 v.

8 WELLS FARGO BANK et al,

9 Defendant.
_____/

10
11 Case Number: CV11-02019 SBA

12 **CERTIFICATE OF SERVICE**

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on December 8, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19 Feliciana Eguilos
20 2111 Gaynor Avenue
21 Richmond, CA 94801

22 Felicito Eguilos
21 2111 Gaynor Avenue
22 Richmond, CA 94801

23 Dated: December 8, 2011

Richard W. Wieking, Clerk

24 By: LISA R CLARK, Deputy Clerk
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